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REMARKS

Reconsideration of this application is respectfully requested. Claims 1, 3, 7, 11 and 13 have been amended; and claims 2, 6 and 12 have been canceled. As such, claims 1, 3-5, 7-11, and 13-19 are in this application and are presented for the Examiner's consideration in view of the following comments.

With respect to the claim amendments, independent claims 1 and 11 have been amended to include some of the requirements of dependent claims 2 and 12, which have been canceled. Claims 1 and 11 have also been amended to improve their form. Claims 3, 7 and 13 have been amended to conform to the amendments to their respective independent claims. Claim 6 has been canceled without prejudice.

Claims 1-2, 6-8, 11-12 and 16 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,304,609 issued October 16, 2001 to Stephens et al. (*Stephens*). Applicants respectfully disagree. As noted above, claim 6 has been canceled without regard to this rejection.

Turning first to Applicants' independent claim 1, *Stephens* does not describe or suggest the requirements of this claim. At the outset, all the weighted interleavers described in *Stephens*:

> randomly or non-uniformly distributes the expanded data bits in time between a minimum delay and a maximum delay to provide optimum decorrelation with regard to the fading statistics of channel 36.

Stephens; col. 4, lns. 53-57; emphasis added.

In other words, the encoded bits of the signal itself are distributed for the purposes of interleaving using different time delays – this is not staggercasting as required by Applicants' claim 1. In staggercasting, there are at least two signals representing the same content and one of the signals is delayed in time with respect to the other signal. This is simply not described in *Stephens*. For example, FIG. 2 of *Stephens* clearly shows there is only one signal, where the data bits of the signal itself are subject to interleaving as noted above "with regard to the fading statistics of channel 36". Thus, an interleaver as described in *Stephens* has nothing to do with staggercasting as required by Applicants' claim 1.

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It is noted that the Examiner points to FIG. 7 of *Stephens* where a high quality audio signal is <u>simultaneously transmitted</u> with a reduced quality audio signal. In particular, the Examiner points to the weighted interleaver shown in FIG. 5 of *Stephens* for providing the time delay period in the embodiment shown in FIG. 7 of *Stephens* as meeting the time delay period in Applicants' claim 1. Respectfully, the Examiner is wrong. As noted above, a weighted interleaver <u>redistributes the data bits within the signal itself</u>. This is clearly shown in FIG. 5 of *Stephens* where <u>the data bits of the input signal itself</u> are randomly distributed by element 112. *Stephens*, col. 12, lns. 6-8. The simple fact is that the embodiment shown in FIG. 7 of *Stephens* <u>is not</u> staggercasting. The reduced quality audio signal or the high quality audio signal are <u>not delayed with respect to each other</u> as required by Applicants' claim 1. Indeed, the weighted interleavers 32A and 32B shown in FIG. 7

> each preferably <u>have different lengths or maximum delays</u> without any overlapping delay.
>
> *Stephens*; col. 14, lns. 2-3; emphasis added.

In other words, each interleaver in FIG. 7 of *Stephens* <u>performs independently of the other</u>. As such, the first encoded signal <u>is not delayed with respect to</u> the second encoded signal as required by Applicants' independent claim 1.

The Examiner also points to element 120 of FIG. 5 as corresponding to Applicants' claimed "generating a signal carrying data representing the time delay period". Respectfully, the Examiner is wrong. Element 120 of FIG. 5 merely causes a delay – it does not generate a signal carrying data, i.e., information, representing what the time delay period is as required by Applicants' claim 1.

Similar comments apply to Applicants' remaining independent claim 11. For example, <u>there is no demultiplexer for extracting the time delay period signal</u> as required by Applicants' claim 11. In addition, <u>there is no delay device, responsive to the extracted time delay period signal</u>, for delaying the extracted second encoded signal by the specified time delay period, whereby the extracted first and second encoded signals are realigned in time as required by Applicants' claim 11.

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In view of the above, Applicants' independent claims 1 and 11 are not anticipated by *Stephens*. As such, dependent claims 7, 8 and 16 are also in condition for allowance.

Claims 3-5, 9-10, 13-15 and 17-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Stephens* in view of U.S. Patent Publication 2002/0047902 published April 25, 2002 to Thomas et al. Applicants respectfully disagree for the reasons described above with respect to independent claims 1 and 11.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.
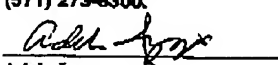
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 30, 2010 at facsimile number (571) 273-8300.

Adele Izzo

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